



Anti-Dumping and Countervailing Action

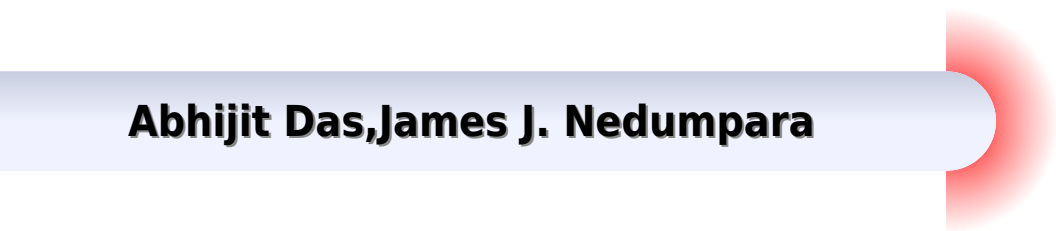
Limits Imposed by Economic
and Legal Theory



Philip Bentley
Aubrey Silberston

Anti Dumping And Countervailing Action Limits Imposed By Economic And Legal Theory

Abhijit Das, James J. Nedumpara



Anti Dumping And Countervailing Action Limits Imposed By Economic And Legal Theory:

Anti-dumping and Countervailing Action Philip Bentley, Aubrey Silberston, 2007-01-01 a fine attempt to shed light on the legal rules that make antidumping and countervailing duty so controversial Bentley and experienced trade lawyer and Silberston a long time professor of economics at Imperial College London team up to translate arcane and often incomprehensible legal rules into common sense language Their book not a how to manual of how cases proceed but rather a nontechnical review of many obscure but crucial concepts The book s appeal is considerably widened by their frequent discussion on whether the rules make economic sense the approach taken in the book enlightens policymakers practitioners and academics on the perverse nature of antidumping and countervailing duty laws a fine addition to the bookshelf of any scholar interested in studying trade agreements and administered protection Thomas J Prusa Journal of Economic Literature Philip Bentley and Aubrey Silberston provide a balanced treatment of a complex area of trade law taking action against dumped or subsidized exports They document in an accessible manner the many problems associated with current rules and practice and provide a practical set of recommendations to improve the administration of trade law in these areas Bernard Hoekman Development Research Group The World Bank Written by a lawyer and an economist both of whom have long experience and deep knowledge equally of theory and practice this book offers a unique objective and dispassionate analysis of anti dumping and countervailing action from various aspects not only what it is and how it is applied but also its problems and ambiguities not least in a globalised and interdependent world where it is easy to do as much damage to one s own producers and consumers as to the apparent transgressor Finally some thoughts are offered as to what might be done to introduce greater rigour and discipline and to resolve the principal defects A comprehensive guide to and review of this area of trade policy has long been needed here it is Trade policy practitioners lawyers students and above all the negotiators should read it Bentley and Silberston will be the standard work for some time to come Anthony Hutton formerly Director General for Trade Policy in the Department of Trade and Industry London UK With their book Anti Dumping and Countervailing Action Philip Bentley and Aubrey Silberston provide an eminent addition to the legal and economic literature on the subject of the appropriate use of anti dumping and countervailing duties Rather than offering a nuts and bolts how to book the authors deliver a succinct and relatively non technical overview of substantive concepts and problems inherent in the use of these commercial defence instruments that will appeal to experts and non experts alike While the book focuses on the WTO Anti Dumping Agreement and its implementation in the EU and the United States it offers valuable lessons for administrators and practitioners in other user countries also One may not agree with all elements of their analysis I for one would certainly not agree with their conclusion that pre Uruguay Round zeroing made legal and economic sense but their inter disciplinary approach is thought provoking and refreshing as well as timely in the middle of the EU reflection on the use of the anti dumping instrument that EU Trade Commissioner Mandelson has launched Edwin Vermulst partner Vermulst

Verhaeghe editor Journal of World Trade and Global Trade and Customs Journal author of the WTO Anti Dumping Agreement OUP 2006 This book is an excellent study in depth of the practical problems that arise for regulatory authorities in seeking to apply the international rules as laid down in the various WTO agreements when requests for anti dumping or countervailing measures have been received from industry It offers not only an analysis of the difficult choices awaiting the practitioner but also a rigorous examination of the economic sense if any behind the practices that have evolved in recent years On several occasions this sense is found to be wanting and the authors make some thought provoking points and recommendations for change Highly recommended for students and practitioners alike Roderick Abbott former deputy Director General at DG Trade in the EC Commission and later deputy DG at the WTO This book written by a lawyer and an economist both of whom have worked extensively in the field of international trade offers a challenging and thought provoking consideration of actions against dumping and export subsidies Unlike many books in the field which simply set out the relevant international agreements and discuss their interpretation by various regulatory authorities this book identifies numerous contradictions found in existing law and practice Many of which the authors argue defy economic as well as legal logic In light of their analysis the authors propose a number of changes to current law and practice Whilst they are under no illusion of the likelihood that such changes will occur in the relevant agreements in the near future it is hoped that through compelling argument they can not only contribute to future debate but also shape the way these issues are treated in practice Providing a critical analysis of the commonly used trade measures against dumping and export subsidies Anti Dumping and Countervailing Action will be of international interest especially to regulatory authorities trade lawyers economists and scholars and students in business school

Injury and Causation in Trade Remedy Law James J. Nedumpara, 2016-11-25 This book addresses injury and causation issues in the context of antidumping countervailing duty CVD and safeguard investigations that are covered under the WTO The book traces the origin and the negotiating history of injury and causation in trade remedy instruments and examines how this requirement evolved in the United States and more specifically in the GATT as part of the Kennedy Code the Tokyo Codes and later the Uruguay Round negotiating texts The book demonstrates that terms such as principal cause substantial cause and a cause in and of itself are not necessarily warranted in such instruments In the light of the experiences of key users of trade remedy instruments and the WTO Doha Round Rules negotiations the book argues that causation determination does not require mathematical precision Econometric or quantitative tools may be suggested but such tools need not undermine the policy laden nature of trade remedy instruments Accordingly the book suggests the use of weak necessity and strong sufficiency test as a potentially viable causative framework with regard to injury and causation in trade remedies

The Use of Alternative Benchmarks in Anti-Subsidy Law Sophia Müller, 2018-05-21 In the debate over the treatment of China in trade remedy investigations this book focuses exclusively on anti subsidy law As such it brings a long neglected and often underestimated area of international trade law to

the fore Exploring the delicate relations between the WTO the EU and China it focuses on the current legal framework for the use of alternative benchmarks in anti subsidy law and analyses the consequences that arise from its practical application in investigations against China Scrutinizing recent developments in WTO anti subsidy law in particular the adoption of country specific rules in accession protocols the book reveals the shortcomings of the current approach and argues for fundamental reforms Accordingly the book provides academics and practitioners alike with vital insights into the legal evolution and practical application of alternative benchmark methodologies in the context of WTO and EU anti subsidy law while also putting forward a critical analysis of the status quo WTO Dispute Settlement at Twenty Abhijit Das,James J.

Nedumpara,2016-04-08 This book focuses on India s participation in the WTO dispute settlement system at a time when India has emerged as one of the most successful and prominent users of WTO dispute settlement among the developing countries It offers a unique collection of perspectives from insiders legal practitioners policymakers industry representatives and academics on India s participation in the system since its creation in 1995 Presenting in depth analyses of substantive issues the book shares rare insights into the jurisprudential significance political economy contexts and capacity building challenges faced by India It closely examines India s approach in effectively participating in the WTO s dispute settlement mechanism including the framing of litigation strategies developing legal and stakeholder infrastructure implementing dispute settlement decisions and the impacts of the findings of the WTO panels Appellate Body on domestic policymaking and India s long term trade interests In addition to discussing the key classic jurisprudential issues the book also explores domestic regulatory and policy issues complemented by selected case studies **Legal Dynamics of EU External Relations** Henri

de Waele,2023-09-20 This volume offers a concise yet thorough picture of the principles of EU external relations law By carefully examining the role of the Union on the global scene it aims to provide a systematic overview of the relevant rules and competences reflecting on the legal developments in their political and societal context The book contains up to date analyses of inter alia the Common Foreign and Security Policy the Common Security and Defence Policy and the Common Commercial Policy Moreover it devotes specific attention to the EU s external powers as regard the environment fundamental rights and development cooperation In addition it includes a dedicated chapter exploring the relations with neighbouring countries as well as one that elucidates the complex interplay between rules of domestic European and international provenance One of the work s key assets is how reflections on the law are interwoven with and supplemented by insights from adjacent disciplines like international studies political science and public administration The third edition like its predecessors continues to have an undergraduate readership in mind The inclusion of chapter overviews clarifying boxes and countless topical examples should prove extra enlightening for those audiences The book managed to attract particular praise earlier for its lucid style and great accessibility As before its compact dimensions transparent design and comprehensive approach should enable users to master the central features of this gripping field of law with ease Newly

appearing in the Springer Textbooks in Law series it remains an invaluable resource for students and lecturers alike

Climate and Energy Protection in the EU and China Peter Hefele, Michael Palocz-Andresen, Maximilian Rech, Jan-Henrik Kohler, 2018-11-04 This edited volume gives an insight into climate and energy protection in China and the European Union EU By taking a closer look at the EU and China separately the book presents the current situation in terms of environmental policy and energy use consumption in EU as well as in China The book broaches the collaboration of the EU and China regarding climate and energy protection The target audience primarily comprises research experts in the field of climate research as well as public decision makers

ASEAN International Law Eric Yong Joong Lee, 2021-10-13 This book consists of updated and refreshed papers written by international law scholars and practitioners from the ASEAN region and published by the Journal of East Asia and International Law comprehensively covering almost all contemporary international legal issues related to ASEAN Legal analysis of the ASEAN integration as one community with one vision in this book provides readers with a better understanding of the current social climate and future developments of ASEAN Each section within the book covers a highly topical issue on ASEAN cooperation and dispute resolution from an international law perspective ASEAN is one of the biggest economic communities in the world and the ASEAN 3 covers nearly half of global GDP Given the region's global impact this book is of interest to Asia watchers academics and policymakers alike

Canada, the Pacific and Global Trade Institute for Research on Public Policy, 1989 This volume reports the proceedings of the Institute conference which examines Canada's stake in expanding economic ties across the Pacific The main conclusion emerging from the conference is that recent proposals for Pacific economic cooperation are widely perceived as motivated by desires for a new trade bloc Instead however the current focus of Pacific economic cooperation is directed toward promoting progress in the Uruguay Round of GATT negotiations In light of common concerns about unilateral trade actions by the U S and the European Community strengthening the multilateral trading system is a key priority shared by Canada and other Pacific economies

Country Reports on Economic Policy and Trade Practices, 2002 The British National Bibliography Arthur James Wells, 2007

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Table of Contents Anti Dumping And Countervailing Action Limits Imposed By Economic And Legal Theory

1. Understanding the eBook Anti Dumping And Countervailing Action Limits Imposed By Economic And Legal Theory
 - The Rise of Digital Reading Anti Dumping And Countervailing Action Limits Imposed By Economic And Legal Theory
 - Advantages of eBooks Over Traditional Books
2. Identifying Anti Dumping And Countervailing Action Limits Imposed By Economic And Legal Theory
 - Exploring Different Genres
 - Considering Fiction vs. Non-Fiction
 - Determining Your Reading Goals
3. Choosing the Right eBook Platform
 - Popular eBook Platforms
 - Features to Look for in an Anti Dumping And Countervailing Action Limits Imposed By Economic And Legal Theory
 - User-Friendly Interface
4. Exploring eBook Recommendations from Anti Dumping And Countervailing Action Limits Imposed By Economic And

Legal Theory

- Personalized Recommendations
 - Anti Dumping And Countervailing Action Limits Imposed By Economic And Legal Theory User Reviews and Ratings
 - Anti Dumping And Countervailing Action Limits Imposed By Economic And Legal Theory and Bestseller Lists
5. Accessing Anti Dumping And Countervailing Action Limits Imposed By Economic And Legal Theory Free and Paid eBooks
- Anti Dumping And Countervailing Action Limits Imposed By Economic And Legal Theory Public Domain eBooks
 - Anti Dumping And Countervailing Action Limits Imposed By Economic And Legal Theory eBook Subscription Services
 - Anti Dumping And Countervailing Action Limits Imposed By Economic And Legal Theory Budget-Friendly Options
6. Navigating Anti Dumping And Countervailing Action Limits Imposed By Economic And Legal Theory eBook Formats
- ePub, PDF, MOBI, and More
 - Anti Dumping And Countervailing Action Limits Imposed By Economic And Legal Theory Compatibility with Devices
 - Anti Dumping And Countervailing Action Limits Imposed By Economic And Legal Theory Enhanced eBook Features
7. Enhancing Your Reading Experience
- Adjustable Fonts and Text Sizes of Anti Dumping And Countervailing Action Limits Imposed By Economic And Legal Theory
 - Highlighting and Note-Taking Anti Dumping And Countervailing Action Limits Imposed By Economic And Legal Theory
 - Interactive Elements Anti Dumping And Countervailing Action Limits Imposed By Economic And Legal Theory
8. Staying Engaged with Anti Dumping And Countervailing Action Limits Imposed By Economic And Legal Theory
- Joining Online Reading Communities
 - Participating in Virtual Book Clubs
 - Following Authors and Publishers Anti Dumping And Countervailing Action Limits Imposed By Economic And Legal Theory
9. Balancing eBooks and Physical Books Anti Dumping And Countervailing Action Limits Imposed By Economic And Legal Theory

- Benefits of a Digital Library
- Creating a Diverse Reading Collection Anti Dumping And Countervailing Action Limits Imposed By Economic And Legal Theory
- 10. Overcoming Reading Challenges
 - Dealing with Digital Eye Strain
 - Minimizing Distractions
 - Managing Screen Time
- 11. Cultivating a Reading Routine Anti Dumping And Countervailing Action Limits Imposed By Economic And Legal Theory
 - Setting Reading Goals Anti Dumping And Countervailing Action Limits Imposed By Economic And Legal Theory
 - Carving Out Dedicated Reading Time
- 12. Sourcing Reliable Information of Anti Dumping And Countervailing Action Limits Imposed By Economic And Legal Theory
 - Fact-Checking eBook Content of Anti Dumping And Countervailing Action Limits Imposed By Economic And Legal Theory
 - Distinguishing Credible Sources
- 13. Promoting Lifelong Learning
 - Utilizing eBooks for Skill Development
 - Exploring Educational eBooks
- 14. Embracing eBook Trends
 - Integration of Multimedia Elements
 - Interactive and Gamified eBooks

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